REMARKS

Claims 1-34 remain pending.

In the Office Action, the Examiner required restriction among the following groups of claims:

I. Claims 1-5, 11-14, 19-23, and 27-30.

II. Claims 6-10 and 24-26.

III. Claims 15-18 and 31-34.

Applicants provisionally elect Group I, claims 1-5, 11-14, 19-23, and 27-30, with traverse.

The Examiner is respectfully reminded of the two requirements in M.P.E.P. § 803 for a proper restriction: "(A) The inventions must be independent . . or distinct as claimed . . . ; and (B) There must be a serious burden on the examiner if restriction is required."

No serious burden:

Addressing the second requirement, the facts and circumstances all indicate that there is no "serious burden" in examining all of claims 1-34, even if restriction were proper. Pages 2 and 3 of the Office Action clearly state that each one of Groups I-III is classified in a single subclass: "class 713, subclass 502." It is hardly a serious burden for the Examiner to search a single subclass. Because the Examiner would have to search this subclass regardless of which group is elected, it should not seriously burden the Examiner to keep the other groups in mind when searching subclass 502.

Further, it appears from page 1 of the Examiner Search Notes (3/16/2004 from Public PAIR, attached as an Appendix) that the Examiner has already searched class 713, subclass 502, for the previous Office Action. It cannot be reasonably asserted that *updating* a previously performed search of one subclass constitutes a "serious burden." Because "the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search" (M.P.E.P. § 808.02), restriction is not proper among Groups I-III. The requirement should be withdrawn for at least this reason.

Groups not patentably distinct:

Contrary to the allegation on page 3 of the Office Action, Groups I-III are not proper "subcombinations." M.P.E.P. § 806.05(d) correctly indicates that, for something to be a subcombination, it must be "disclosed as usable together in a single combination." There is no such disclosure in Applicants' specification. The Examiner will be hard pressed to find, for example, disclosure of a single combination of the methods of claim 1 (Group I), claim 6 (Group II), and claim 15 (Group III) anywhere in Applicants' specification. Because they are not "disclosed as usable together in a single combination," Groups I-III are not "subcombinations," and the basis for restriction is improper on its face.

Rather, the inventions in claims 1-34 are disclosed as different, patentably indistinct, embodiments of the same invention, and should be examined together as such. Because the claims in Groups I-III are not patentably distinct, restriction is not proper among Groups I-III. The requirement should be withdrawn for this additional reason.

Because Groups I-III have not acquired a separate status in the art, and because these groups are not distinct, all pending claims in Groups I-III should be examined together, just as they were in the previous Office Action.

Reconsideration and examination of all pending claims 1-34 is respectfully requested.

In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact Alan Pedersen-Giles, attorney for Applicants, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess fees to such deposit account.

Respectfully submitted,

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